

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Claire Hall, et al.

Plaintiffs,

v.

Case No.: 1:23-cv-00359-MSM-PAS

South Kingstown Police Department, et al.

Defendants.

AFFIDAVIT OF PETER SKWIRZ

I, Peter Skwirz, do depose and state, under oath, as follows:

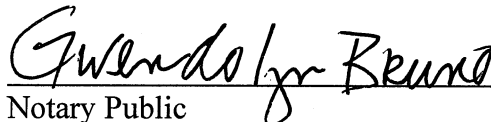
1. I am an Assistant Solicitor for the Town of South Kingstown.
2. On or about September 1, 2023, I had a phone call with South Kingstown Police Chief Matthew Moynihan, where he asked me to locate a complaint filed in federal court against the South Kingstown Police Department.
3. I downloaded the complaint in this matter from the CM/ECF System and emailed it to Chief Moynihan on September 1, 2023.
4. In the email, I asked the Chief to “[p]lease have a claim filed with the Trust through their portal so that they can assign an attorney to defend.” A copy of that email is attached as **Exhibit A**.
5. Following the September 1, 2023, email, I assumed that the matter had been submitted to Town’s insurance carrier, the Rhode Island Interlocal Risk Management Trust, for an attorney to be assigned to answer and defend and no further action was needed on my part.
6. On or about October 10, 2023, I received a call from Chief Moynihan to discuss a public records request made to the Town of South Kingstown regarding this matter.
7. In that phone call, I suggested that Chief Moynihan should discuss this with the legal counsel assigned to this matter by the Town’s insurance carrier.
8. The next day, October 11, 2023, I had a phone call with Paul Dutra from the Rhode Island Interlocal Risk Management Trust, explaining that no claim had been filed with the Trust, no answer was filed with the Court, and a default had entered. Mr. Dutra explained that the Trust would not provide the Town with coverage unless and until the entry of default was set aside.
9. Following the call with Mr. Dutra, on October 11, 2023, I called plaintiffs’ counsel, Todd White, and informed him that the Town would not have insurance coverage unless the default was set aside.

10. Mr. White graciously indicated to me that defendants could file what we needed to file in order to set aside the default and indicated that he would not be objecting.
11. I immediately drafted a motion and memorandum to set aside the default pursuant to Rule 55(c) of the Federal Rules of Civil Procedure and filed the same as soon as possible with the Court.



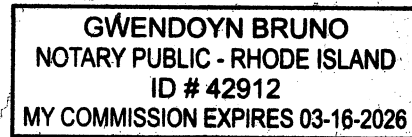
Peter Skwirz,
Assistant Solicitor
Town of South Kingstown

Subscribed and sworn before me on the 11th day of October, 2023.



Notary Public
Comm. Exp. _____

S:\South Kingstown\Litigation\Claire Hall et al\Affidavit of P. Skwirz.docx



Peter Skwirz

From: Peter Skwirz
Sent: Friday, September 1, 2023 5:42 PM
To: Matthew Moynihan
Cc: James Manni; Mike Ursillo
Subject: federal civil rights suit
Attachments: Hall v. SKPD.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Chief,

As discussed, attached please find the civil rights lawsuit filed in federal court yesterday against the Town of South Kingstown Police Department. Please have a claim filed with the Trust through their portal so that they can assign an attorney to defend. Thanks.

- Peter

Peter F. Skwirz, Esq.
Ursillo, Teitz & Ritch, Ltd.
2 Williams Street
Providence, RI 02903
(401) 331-2222
(401) 751-5257 (fax)
peteskwirz@utrlaw.com

NOTICE TO RECIPIENTS: The information contained in and accompanying this communication may be confidential, subject to legal privilege, or otherwise protected from disclosure, and is intended solely for the use of the intended recipient(s). If you are not the intended recipient of this communication, please delete and destroy all copies in your possession, notify the sender that you have received this communication in error, and note that any review or dissemination of, or the taking of any action in reliance on, this communication is expressly prohibited.